IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.A.NO. 428 /2003 Division Bench

APPELLANT : 1) Samrit Bai, Wd/O Late Ishwari Prasad, aged about 35 years

2) Ku. Dhaneshwari D/O Late Ishwari Prasad, aged 13 years

3) Premlal S/O Late Ishwari Prasad aged about 11 years

4) Ku. Kiran D/O Late Ishwari Prasad, aged 3 years,

No. 2 to 4 are minor through mother Samrit Bai W/O Late Ishwari Prasad aged 35 years, All resident of Village Patewa, P.S. Gobra, Nayapara Distt. Raipur (C.G.)

P. R. No. 1092/03
Presented by Shri Nimad Kar Chandrakar
dated 01/05/03

VERSUS

RESPONDENTS : 1) Ashok Kumar S/O Aaju Ram Sahu aged 40 years, R/O Bhanupuri Tahsil & Distt. Dhamtari (C.G.)

2) Chandrika Prasad, S/O Jhaduram Sahu, R/O Village Sourabandha Tahsil- Kurud, Distt. Dhamtari (C.G.)

3) The New India Insurence Co.Ltd G.E. Road, Power House Bhilai Distt. Durg (C.G.)

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MEMORANDUM OF APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT 1988

IN THE HIGH COURT OF CHHATTISGARH; BILASPUR

(LOK ADALAT)

MISCELLANEOUS APEAL NO.428/2003

Appellants: Samrit Bai and others

Versus

Respondents: Ashok Kumar and others.

(Arising out of Claim Case No.17/2002)

04/11/2006

Samrit Bai with and other by Shri Vivek Rathore, Counsel for the appellants.

None for respondents No. 1 & 2.

Shri K.L. Daswani, Divisional Manager, New India Insurance Company Limited with Shri Prashant Jaiswal, Senior Advocate for respondent No. 3.

Samrit Bai has filed an application along with an affidavit for grant of permission to compromise the case on behalf of minor children Dhaneshwari, Premlal and Kiran.

Considered. Allowed.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No. 3 shall pay Rs.1,01,000/- (Rupees one lakh one thousand) to the appellants.
2) For disbursement and deposit in FDR, the direction and ratio adopted by the Tribunal, if any, shall follow.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellants shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondents No. 1 & 2 stands dismissed.
6) Out of the above amount, Rs.1,010/- (Rupees one thousand ten only) shall be paid to counsel for the appellant directly by the Insurance Company towards counsel fee.
7) Copy of the award shall be given to the parties free of cost.

Sd/-

(Justice Vijay Kumar Shrivastava)
High Court of Chhattisgarh
Bilaspur

Sd/-

Member – Lok Adalat
High Court of Chhattisgarh,
Bilaspur